REMARKS

INTRODUCTION:

In accordance with the foregoing claims 4-10 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 4-10 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

(a) the amendments of claims 4-10 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(b) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

OBJECTIONS TO THE CLAIMS:

In the Office Action, at pages 2-3, numbered paragraph 6, claims 4-10 were objected to. In view of these objections, the specification and claims 4 and 7-10 have been modified. The modifications do not change the scope of the claims, but merely change the language to make it less awkward. Therefore, the outstanding claim objection should be resolved.

Reconsideration and withdrawal of the outstanding objection to the claims are respectfully requested.

REJECTION UNDER 35 U.S.C. §101:

In the Office Action, at page 3, numbered paragraph 8, claims 9 and 10 were rejected under 35 U.S.C. §101. This rejection is traversed and reconsideration is requested.

Claims 9 and 10 have been amended to resolve the issue raised by the Examiner. Therefore reconsideration and withdrawal of the rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 4, numbered paragraph 10, claims 4-6 and 9 were rejected under 35 U.S.C. §103 over U.S. Patent No. 6,292,167 ("Throup") in view of U.S. Patent No. 6,480,300 ("Aoyama"). The reasons for this rejection are set forth in the Office Action and therefore not repeated. This rejection is traversed and reconsideration is requested.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03.

Claim 4 is not unpatentable under § 103(a) because the prior art does not teach or suggest all the limitations of claim 4. Specifically, claim 4, lines 7-9 contain the limitation "allocating said light data . . . so that each of said set of allocated light data is substantially equal to each other." Neither Throup nor Aoyama teach or suggest this limitation.

Throup teaches allocating light data in a manner that causes the set of light data to be unequal to each other. In Throup, the set of light data depends on coefficients, and according to column 8, lines 53-61

> The array . . . may be "shaped" for example by defining the coefficients in accordance with say a circular function (in which coefficients within a circular boundary all have a maximum value, coefficients intersected by the boundary have a value determined by the position of the intersection, and coefficients outside the boundary have a zero value) or indeed any other shape.

This passage from Throup clearly teaches that the coefficients making up the array are not equal to each other. Specifically, coefficients within a circular boundary have a "maximum

value"; coefficients intersected by the boundary have a "value determined by the position of the intersection"; and values outside the boundary have a "zero value." Using coefficients with different values results in a set of light data that is not equal to each other. As this is the only teaching in Throup regarding the allocation of light data, nowhere does Throup teach or suggest "allocating said light data . . . so that each of said set of allocated light data is substantially equal to each other."

The Examiner's interpretation of Throup conflicts with the teachings in Throup. In paragraph 5 of the Office Action the Examiner asserts

> it follows that the coefficients that make up the array shown in Figure 5 of Throup . . . are all equal to each other. In this particular example, the coefficients are equal to 1/25 (0.04)

This assertion conflicts with the explanation found in Throup, column 8, lines 53-61. Because the coefficients have different values that comprise a "maximum value," a "value determined by the position of the intersection," and a "zero value," they can not all have a value equal to 0.04.

Aoyama also does not teach or suggest "allocating said light data . . . so that each of said set of allocated light data is substantially equal to each other." None of the methods of image processing taught by Aoyama bear any relation to this feature.

Claims 5 and 6 depend upon claim 4 and therefore patentable over Throup in view of Aoyama for at least the same reasons that claim 4 is patentable over Throup in view of Aoyama. Claim 9 is patentable over Throup in view of Aoyama for at least the same reasons that claim 4 is patentable over Throup in view of Aoyama.

In the Office Action, at page 5, numbered paragraph 11, claims 7, 8, and 10 were rejected under 35 U.S.C. §103 over Throup in view of Aoyama and further in view of "A lens and aperture Camera Model for Synthetic Image Generation" ("Potmesil"). The reasons for this rejection are set forth in the Office Action and therefore not repeated. This rejection is traversed and reconsideration is requested.

Regarding independent claim 8, the Examiner admits that Throup in view of Aoyama fails to teach or suggest "determining a size of a defocused disk image based on distance information of said selected pixel data." The Examiner next asserts that one of ordinary skill in the art would have applied the teachings of Potmesil to the invention of Throup in view of Aoyama because "such a modification would have allowed for a system in which the amount of

defocusing was proportion to the pixel distance information and consequently would have made for a system which generated more realistic looking images."

The Applicant asserts that one of ordinary skill in the art would not have applied the teachings of Potmesil to the invention of Throup in view of Aoyama. First, the Examiner's statement "such a modification would have allowed for a system in which the amount of defocusing was proportion to the pixel distance information" is circular reasoning that merely restates the claim limitation without providing any reason to modify. This circular reasoning clearly illustrates improper hindsight reasoning.

Second, Potmesil teaches methods based on light ray tracing while the teachings of Throup and Aoyama have nothing to do with light ray tracing. Therefore, the teachings of Potmesil are not analogous to the teachings of Throup and Aoyama, and one of ordinary skill in the art would have no reason to believe that the teachings of Potmesil are combinable with the invention of Throup in view of Aoyama or that the teachings of Potmesil would provide any benefits to the system of Throup in view of Aoyama.

Independent claim 10 is patentable over Throup in view of Aoyama for at least the same reasons that claim 8 is patentable over Throup in view of Aoyama. Dependent claim 7 depends upon claim 4 and therefore is patentable over Throup in view of Aoyama and further in view of Potmesil for at least the same reasons that claim 4 is patentable over Throup in view of Aoyama.

REQUEST FOR INTERVIEW:

It is believed that prosecution can be expedited and possibly concluded through an interview with the Examiner. Therefore, Applicant requests an interview with the examiner, and Applicant's Representative will contact the Examiner to discuss and schedule an interview.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration

by the Board.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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